Protest, Race and Grievability: What does it mean for lives to matter?

KILBY, Laura <http://orcid.org/0000-0002-9766-1985>

Received: 8 November 2022 | Revised: 23 May 2023 | Accepted: 25 May 2023

DOI: 10.1111/spc3.12805

REVIEW ARTICLE

WILEY

Protest, race and grievability: What does it mean for lives to matter?

Laura Kilby

Helena Kennedy Centre for International Justice, Sheffield Hallam University, Sheffield, UK

Correspondence
Laura Kilby.
Email: L.Kilby@shu.ac.uk

Abstract

In this article I bring the political philosophy of Judith Butler to bear on contemporary and inter-related arguments about race and (in)equality. Focusing most directly on the UK context and taking account of recent changes in UK law, I further address the role of social protest in the pursuit of equality and social justice. Starting with a seemingly simple question which echoes the language of contemporary social protest, I ask 'what does it mean for lives to matter'. In responding to this I pursue the following aims: (i) develop an awareness of human mattering which moves beyond the lens of neoliberal individualism; (ii) generate an understanding of protest as an intensely human and ethical endeavour; (iii) engage Butler's philosophical arguments in a manner that is accessible to those unfamiliar with their work. I begin with an overview of contemporary social protests and outline recent developments in UK law before introducing key concepts from Butler's work. I then apply Butler's arguments to explore the construct and the language of mattering, before expanding on what it means to matter and the role of social protest in the pursuit of grievable lives.

KEYWORDS
all lives matter, ALM, black lives matter, BLM, grenfell, grievability, Judith Butler, mourning, race, social protest

1 | INTRODUCTION

The ambition of this article is to examine inter-related arguments about race, protest and what is means for lives to matter, and to consider the material implications of contemporary changes to UK legislation through which legal rights to social protest are being eroded. Judith Butler's political philosophy, and in particular, the concept of grievability, presents a novel means for achieving these ambitions by permitting a critical examination of how racialised lives (and deaths) matter against the backdrop of a given social and political context. One simple question underpins every stage of my work, namely, *what does it mean for lives to matter?* In responding to this I pursue the following aims: (i) develop an awareness of human mattering which moves beyond the lens of neoliberal individualism; (ii) generate an understanding of protest as an intensely human and ethical endeavour; (iii) engage Butler's philosophical arguments in a manner that is accessible to those unfamiliar with their work.

2 | MATTERING AND SOCIAL PROTEST

The statement 'Black lives matter', originally 'Our lives matter', can be traced back to 2012 following the acquittal of White[1] U.S. police officer George Zimmerman for the murder of unarmed Black teenager Trayvon Martin. It was voiced again following the killing of unarmed Black teenager Michael Brown in 2014, shot by White police officer Darren Wilson (Atkins, 2019). In May 2020, against the backdrop of the global Covid 19 pandemic, we witnessed the brutal murder of another unarmed Black man in the United States. Footage of George Floyd, pinned to the ground and suffocated to death under the knee of White police officer Derek Chauvin, sparked a response of collective action in the United States which has been widely compared to the civil rights era (E.g. Morris, 2021; Thomsen, 2020), and led to protests across many nations. 'Black lives matter' (BLM) demonstrations took place in towns and cities across the UK (Dearden, 2020), with anti-racism protestors uniting to demand radical change. Whilst standing against police brutality and racism in the United States, protestors also emphasised how these same issues of anti-Black racism play out in the UK too. They point to numerous deaths including those of Rashan Charles, Sheku Bayoh, Mark Duggan, Christopher Alder, Sean Rigg and many other Black men who died during attempts by UK police to either apprehend or restrain them, or whilst in police custody (Afzal, 2020; Greig, 2020; Mohdin, 2021).

The following Spring, in March 2021, the UK witnessed a separate series of protests following the death of Sarah Everard, a young White woman abducted and murdered by serving Metropolitan police officer Wayne Couzens (BBC, 2021b). The disappearance of Sarah Everard and the discovery of her body received significant police attention and was headline news across all UK media outlets. In the days following, hundreds gathered at vigils in London and across the UK. Led initially by women's rights group 'Reclaim the Streets', members of the public came together to collectively mourn, and to demand greater police and public action to address harassment, abuse, and violence against women (BBC, 2020a). These vigils were deemed by the Metropolitan police to conflict with the national Covid 19 lockdown restrictions and their policing of a large London vigil became a heavy-handed attempt to physically disperse the crowd. Following a subsequent legal challenge to their handling of the event, the UK high court found the Metropolitan police to have breached the human rights of those protestors who brought the case (Grierson, 2022).

Given this paper is an interwoven exploration of protest and race, it is essential to acknowledge the racialised identity of Sarah Everard as a White woman. Indeed, the decision to include a discussion of the Sarah Everard case in this article is, in part, *because* of her identity as a White woman. Later in the article I will return to this as I explore the case of sisters Bibaa Henry and Nicole Smallman who were murdered in London in June 2020 (BBC, 2021a), however it is helpful to the development of my arguments to present some initial discussion here. The case of Bibaa Henry and Nicole Smallman, alongside the cases of many other women from Black and other racially minoritised backgrounds highlight disparity with regard to variable media interest and police response to femicide (Ingala Smith, 2021; Kingsley, 2021). Karen Ingala-Smith, founder of the U.K. femicide census project[2] argues that, when it comes to femicide, "Black women are disproportionately victimised, yet more likely to receive a sub-standard response from state

agencies" (Ingala Smith, 2021, para 3). It is impossible to know exactly what might have happened following Sarah Everard's murder had she been a Black woman, however, based on the racial disparities highlighted by these other cases, we might imagine there would have been less initial media interest, at least until the identity of her attacker was revealed, and thus potentially a more limited public awareness and/or reaction. Whether or not vigils would have taken place, and how they might have been managed by police is again debatable.

The Sarah Everard case offers an initial indicator that, it is not only that racism makes Black lives more vulnerable to violence at the hands of police—as demonstrated in the case of George Floyd and so many others, but that the *loss* of Black lives, even in the most tragic and violent circumstances, seemingly renders less concern than the loss of White lives under similar circumstances. To be clear my argument is not that the reactions to the murder of Sarah Everard were disproportionately high or excessive, rather, that response following the murders of Bibaa Henry, Nicole Smallman and so many others, are comparatively disproportionately low. What this points to is a variability in how racialised lives are valued and how they are grieved. The provocations outlined here are further unpacked and evidenced as the article progresses.

At the same time as the policing of the Sarah Everard vigils was unfolding, the UK government was actively pursuing changes to increase police powers in matters of social protest. Partly in response to the BLM protests during 2020, the British Government introduced a new Police, Crime, Sentencing and Courts bill which included a strong focus on public order and sought to strengthen policing in relation to public protests (UK Government, 2021a, 2021b). Despite serious concerns raised by human rights organisations and social justice activist groups (E.g. Liberty, 2021; End Violence Against Women and Girls, Latin American Women's Rights Service; Rights of Women; Southall Black Sisters, 2021), and a swathe of 'Kill the Bill' public protests, the bill received royal assent becoming a UK Parliamentary Act in 2022. This Act significantly extends police powers to limit, curtail and ban processions and public gatherings and it substantially increases the penalties that individuals might face if found guilty of related offences (Liberty, 2021).

Evidence presented to the House of commons by organisations seeking to challenge the proposals in the bill highlighted the importance of public protest in the pursuit of equality and social justice. For example, evidence collectively submitted to the House of Commons by *End Violence Against Women and Girls*, *Latin American Women's Rights Service*; *Rights of Women*; *Southall Black Sisters* during the Bill's assent emphasised that "Protest is firmly embedded in the struggle for women's rights—and particularly the rights of Black and minoritised women" (2021; p 3), moreover they argued that the most marginalised groups, including "Black and minoritised women, migrant women, Deaf and disabled women and members of the LGBT+ community" are most likely to suffer when rights to protest are eroded (2020; p4). Of particular interest for the current paper is a recognition that this new UK parliamentary act further emboldens a social, political, and legal framing of protest which constructs protesters as unlawful, illegitimate, and dangerous to civil society.

I argue that, through the discursive cultivation of such imaginaries, the basic humanity of those who fight for fairness and justice becomes increasingly obscured, which, in turn risks eroding support for the issues of inequality and injustice that collective protest seeks to challenge. In this paper I seek to counter the narrative of protest as dangerous to civil society, by arguing in favour of the *humanness* of social protest. Applying the political philosophy of Judith Butler, I explore how contemporary social protests are first and foremost collective demonstrations about human mattering which seek to re-frame lives that are rendered ungrievable as 'lives that matter'. The following section provides an overview of Butler's relevant work before applying it to recent UK events.

2.1 | Grievability as a measure of lives that matter

Over the past 2 decades U.S philosopher and theorist Judith Butler has turned their attention to the geopolitical context of war and protest, and how human subjectivity is differentially organised and shaped in the public sphere (E.g. Butler, 2006, 2016, 2020). Their arguments contain a founding concern with the concepts of interdependence and vulnerability (Brown, 2016; Maďarová et al., 2020; Schippers, 2014). For Butler, vulnerability is a relational condition.

They argue that an individual is never vulnerable alone, but always "to a situation, a person, a social structure upon which we rely and in relation to which we are exposed" (Butler, 2020, p. 46). Maďarová et al. (2020) argue that Butler's theoretical development of vulnerability stands as a significant and important departure from prior scholarly elaborations of the concept. These authors argue that vulnerability encompasses "instability and uncertainty and can lead to insecurity and destabilisation" (p. 14), moreover, vulnerability can also be a feature of systems or institutions (Maďarová et al., 2020). Butler's theorising of vulnerability underscores their arguments regarding the foundations of human interdependence and their critique of individualism. They argue that, because human subjects can never exist fully liberated from the conditions which render life possible, "we are never fully individuated" (2020; p46).

In their work entitled *Precarious Life*: *The powers or Mourning and Violence*, first published in 2004 Butler examines the US 'War on Terror' response to the 11 September 2001 attacks. They argue that the US response to those attacks stands as a lost opportunity for a reimaging of global politics, where, in the face of its own national vulnerability, the US might have set aside First World privilege in recognition of the fundamental importance of developing an interdependent global political community. With these events as the backdrop, Butler seeks a more profound understanding of how mourning and violence might relate, and enquires "what, politically, might be made of grief besides a cry for war" (Butler, 2006; p XII).

Butler's exploration of death, mourning and violence continues in *Frames of War*: *When is life grievable?* First published in 2009. They emphasise an important distinction between *precariousness* which is understood as existential vulnerability to which all forms of life are subject, and *precarity*. For Butler, precarity is defined as a "politically induced condition in which certain populations suffer from failing social and economic networks of support and become differentially exposed to injury, violence, and death" (Butler, 2016, p. 25). As Schippers (2014, p. 41) puts it, precariousness can be understood as "the shared condition of humanity", whilst precarity refers to how precariousness comes to be "differentially structured, for example, along the lines of race, class, gender, or religious identification".

Building on these foundations, Butler (2006, 2016, 2020) develops the concept of *grievability* which concerns how cultural and political frames of meaning fundamentally shape our capacity to apprehend life, death, and what it is to be human. Butler argues that culturally grounded discursive frames render entire populations as more, or less, grievable, and indeed some never register as grievable at all. For Butler, there is no means by which life or death can be rendered intelligible, or stand as a grievable life, without relation to some discursive frame of meaning-making. Moreover, the frames which organize and filter how we can apprehend the world are always partial, and always power laden (Schippers, 2014). Variously referring to the politics of immigration, structures of racism, and the US response to the 11 September 2001 terror attacks, Butler contends that "the differential distribution of grievability across populations has implications for why and when we feel politically consequential affective dispositions such as horror, guilt, righteous sadism, loss and indifference" (Butler, 2016, p. 24).

A growing body of work has applied Butler's concept of grievability to explore differing media representations of the dead, including studies of non-Western victims of war in Gaza (Berents, 2019; Lloyd, 2017); women in the US military (Millar, 2015); comparative analysis of European and African victims of political violence (Morse, 2018), and media representations of migrants who perish at sea (Horsti & Neumann, 2019; Mercieca & Mercieca, 2022; Stierl, 2016). Other strands of work have examined how lives are rendered as more, or less, grievable in relation to structures of social class in India (Varman et al., 2020), and recently, work has begun to consider grievability in relation to narratives of health. Spratt (2022) examines contemporary Western health discourse, critiquing the neoliberal narrative of personal responsibility for health and examining grievability in relation to the UK 'war on obesity', whilst Maďarová et al. (2020) explore constructions of vulnerability and grievability in Western political discourses during the early months of the Covid 19 pandemic. Studies have also emphasised the significance of public acts of memorialisation (E.g. Boudreaux, 2016; Horsti & Neumann, 2019), and the significance of imagery (E.g. Berents, 2019; Kakoty, 2019) in the marking of lives as more, or less, grievable. Morse (2018, p. 243) says of Butler's approach:

> she uses grief as a prism to point to the construction of the global divide between those whose deaths are acknowledged and treated as morally flawed and those whose deaths make no ethical solicitation.

In their most recent work, *The Force of Nonviolence*, Butler (2020) develops an ethics of non-violence which involves a thorough critique of Western individualism and a re-specification of how violence and nonviolence are conceptualised. Butler (2020) fundamentally rejects the assumption of nonviolence as a passive endeavour, arguing that "nonviolence does not necessarily emerge from a Pacific or calm part of the soul. Very often it is an expression of rage, indignation and aggression" (p. 21). They further propose that violence not only exists in the materiality of the physical blow, but also in systemic and/or structural forms. Hence, they point to systemic racism as the enactment of violence. In seeking to reframe understandings of violence and nonviolence Butler (2020) makes a plea for the importance of 'aggressive non-violence' as a transformative social force, arguing that:

> Nonviolence is less a failure of action than a physical assertion of the claims of life, a living assertion, a claim that is made by speech, gesture, and action, through networks, encampments, and assemblies, all of these seek to recast the living as worthy of value, as potentially grievable, precisely under conditions in which they are either erased from view or cast into irreversible forms of precarity.
>
> (p. 24)

Butler's theoretical lens of grievability and her positioning of aggressive nonviolence as essential to the pursuit of equality and social justice offers a deeply human understanding of social protest. It draws in a concern with understanding social protest as grieving—both for lives that are lost, and simultaneously for lives not valued or protected against loss. In so doing, it invites a move away from the UK government-backed framing of social protest as increasingly illegitimate and a threat to law and order, instead, reconfiguring social protest as an entirely human and indeed humanitarian endeavour.

The following sections of this paper first apply the political lens of Butler to examine the 'language' of lives that matter, before exploring what it means for lives to matter in life as well as in death, and how collective protest is a crucial vehicle for the pursuit of all human mattering.

2.2 | Mattering, equality and individualism

> To be grievable is to be interpellated in such a way that you know your life matters; that the loss of your life would matter; that your body is treated as one that should live and thrive, whose precarity should be minimized, for which provisions for flourishing should be available
>
> (Butler, 2020; 59)

When it comes to contemporary social protest against racial inequality and injustice, the language of mattering is paramount. Alongside the rally cry 'Black Lives Matter', we hear the retort that 'All Lives Matter' (ALM). ALM is a discourse entrenched in Whiteness and conservatism (Kil, 2020). It can be intensely frustrating and painful to many sections of the Black community (O'Malley, 2020), and it is often categorised as the language of racists (Bry, 2015). Whilst not disputing the legitimacy of experiencing ALM *as* racist, to fully challenge the ideological and rhetorical appeal of the argument that 'all lives matter' invites some further elaboration.

Notably, whilst 'All Lives Matter' features in the context of arguments about racial injustice, it might equally well serve in other settings where inequality is being protested. For example, it might be drawn upon as a counter to a claim that 'Trans-Lives Matter'; or 'Women's Lives Matter'. My authorial aim here is not ignore or dismiss the racial context of the BLM movement, but rather, to point out that 'All Lives Matter' has the rhetorical capacity to slip and slide into other contexts. The rhetorical sway of arguing that 'All Lives Matter' resides in its seeming universality. The ALM narrative routinely disregards the inequalities and injustices experienced by the Black community which BLM is calling attention to, by repositioning the 'question under discussion' from one of 'Black lives' to that of 'all lives' (Keiser, 2021). This repositioning then supports an argument whereby, a concern with 'all lives' is by default also a

concern with Black lives and a commitment to racial equality. Merging Blackness as one of many constructed racial groups all deserving of equality and merging racially minoritised groups with other communities, ALM seeks to align with general ideals of 'colourblind' equality, whilst making invisible the lived realities of racial inequality and injustice which confront the Black community.

Butler's (2020) theory of aggressive nonviolence calls for a thorough re-specification of equality and a radical departure from "presumptive individualism" (p. 40). They argue that in a culture of individualism, equality "takes the individual person as the unit of analysis" (p. 45). Thus, under the prevailing political, social, and cultural values of Western individualism, the argument that 'All lives matter' can carry rhetorical sway by appearing to align with the ideals of equality—that is, *every* individual matters. Relatedly, whilst recognising the value of challenging ALM arguments which contend that the statement 'Black lives matter' promotes a view whereby *only* Black lives matter, or Black lives matter *more* (for discussion see Atkins, 2019), engagement with ALM arguments at this level does not necessarily move the debate beyond the culture of individualism that Butler describes.

In contrast, Butler's (2020) starting point is to emphasise how equality, when rooted in the rights of the individual, disregards notions of interdependence and social obligations. They argue that equal treatment cannot exist without a matrix of interdependent social structures - fair distribution of food, shelter, work, and material resources. Taking this as a foundational line of reasoning we witness how 'All Lives Matter' seeks to elevate a universal concern with individual lives, without paying any heed to the structural organisation of social life. Put simply, the claim that 'All Lives Matter' says nothing about how lives matter *in relation* to one another. When lives are considered within this wider ethics of collective, interdependent global equality, upholding an argument that all lives matter is untenable. Instead, it becomes increasingly apparent that 'all lives don't matter', at least not in equal measure.

Having established a language of 'mattering' that is based in interdependent relational concerns about how lives are lived with (or without) foundations of structural equality, we can now move to explore what it means for lives matter in practice.

2.3 | Mattering as a matter of life and death

> To live in the world as a grievable life is to know that one's death would be mourned. But also, it is to know that one's life will be safeguarded because of its value
>
> (Butler, 2020; 108)

An exploration of grievability might at first glance imply that Butler's focus is solely on death. Certainly, death and mourning are important features of their work. For Butler (2020) the act of public recognition and mourning for life lost, particularly following violent death, is crucial in marking lives as grievable. They point to a lack of due recognition in response to violent death as a reason why mourning and protest unify, as "the community that mourns also protests that fact that the life is considered ungrievable" (Butler, 2020, p. 74). However, key to Butler's thesis on grievability is the claim that for lives to register as grievable, they must matter in life as well as in death (Butler, 2020). In asking what is means for lives to matter, we should simultaneously attend to how lives are grieved, how lives are valued and how they are safeguarded. Hence, the exploration of vulnerability and differing levels of precarity is a feature of studying what it means to matter.

In the wake of George Floyd's death, United States polls suggested that between 15 and 26 million people participated in BLM demonstrations, making these the largest protests in U.S. history (Buchanan et al., 2020). Whilst in the UK, over 210,000 people are estimated to have participated in BLM protests during the summer of 2020 (Dearden, 2020). Applying Butler's arguments about aggressive nonviolence, these protests are both acts of mourning George Floyd's death, and simultaneously protesting structural inequalities that shore up the unequal suffering and oppression that impact how Black communities experience *living*. Thus, in contrast to recent changes to UK laws which frame social protest as threatening or dangerous to society, participation in collective protest can be

understood as an intensely human act, through which protestors seek to draw attention to structural inequalities embedded in democratic societies that affect both life and death.

In applying the lens of grievability to understand what it means to matter in life and in death, we might also look beyond contemporary BLM protests that most directly concern the precarity Black people face in relation to the police and criminal justice system both in the United States and the UK. A consideration of other aspects of social life where all individuals and communities are subject to vulnerability and yet levels of precarity differ include the realms of health, education, welfare, housing and employment. Within the space constraints of this essay, I offer two illustrative examples beginning with health and the global Covid 19 pandemic and then turning to housing and the Grenfell fire.

Covid-19 brought forth threat to human life unparalleled in contemporary Western history, raising individual and collective awareness of our vulnerability to succumb to illness when modern medicine can offer little in the way of protection. However, whilst the early weeks of the pandemic might have emphasised a universal vulnerability to Covid 19, what soon became apparent was that people experienced differing degrees of precarity. Multiple UK studies, including those conducted by the Office for National Statistics (ONS) and Public Health England (PHE) reported conclusively that people from Black and other racialised minorities in the UK faced a disproportionately high risk of dying from coronavirus (BBC, 2020b). According to one ONS report, Black people were over four times more likely to die than White people, and members of other racially minoritised groups including Bangladeshi and Pakistani communities also faced significantly higher risk of death than White people. Moreover, this disparity could not be attributed to pre-existing differences, including differences related to health conditions (Booth & Barr, 2020).

Whilst a range of complex factors are argued to variously contribute to the increased precarity facing members of the Black community and those of other racialised groups, a report published by the Institute for Fiscal Studies concluded that taking account of age and geography, most minority groups should have experienced fewer deaths per capita as compared to the White British majority (Platt & Warwock, 2020). Using Butler's theoretical lens, Maďarová et al. (2020) examine the pandemic, exploring how vulnerability was discursively framed in UK elite political discourse alongside other nations. They identify two main discursive frames: science and security. Through the explanatory frame of science, differential levels of vulnerability were presented as "an inherent feature of certain bodies" (p. 24), whilst the frame of security served to re-package the increased vulnerability that certain groups were exposed to as a 'threat' to the wider population. As these authors make plain, the Covid 19 pandemic "put in stark relief our shared human vulnerability and the unequal distribution of precariousness" (Maďarová et al., 2020, p. 14).

Turning to housing, I focus on one of the most significant national tragedies in recent UK history as a further illustration of vulnerability and precarity. In June 2017, 72 people died and a further 70 were injured during the Grenfell tower fire in London. Grenfell was a high-rise tower block, with a highly diverse community and a significant number of residents from Black and other racially minoritised groups (Rice-Oxley, 2018). The tragedy, which stands as the deadliest UK residential fire since World War II, was further compounded by the discovery that this disaster was preventable (Mortimer, 2018). The Grenfell inquiry found that a major causal factor was the external cladding that had been added the prior year, in part, to improve the external view of the building for the benefit of its affluent neighbours in central London. The cladding was added despite contractors being aware of significant safety concerns, and a record of consistently failing fire tests. Moreover, fire safety experts had repeatedly forewarned of such a disaster linked to the cladding. Nevertheless, contractors opted to use these riskier, but cheaper materials (Mortimer, 2018).

Following Butler, the Grenfell tragedy reflects a lack of concern for the lives of the residents of Grenfell, and therefore a lack of safeguarding to protect those lives against loss. Those who died collectively represented 19 different nationalities and most victims were either Black, or members of other racially minoritised communities. Just seven victims were White British (Rice-Oxley, 2018). The issue of race became increasingly apparent as the inquiry progressed and the Queen's Counsel for the bereaved families consistently argued that the Grenfell tragedy was indelibly bound up with race, referring to race as 'the elephant in the room'. He further drew parallels with racial

disparity evident in the Covid 19 pandemic and emphasised the need to factor in the social and political context in order to address the question of how the Grenfell fire happened (BBC, 2020a). Moreover, Tekin and Drury's (2022) analysis of Grenfell related Twitter posts revealed how racism and victim-blaming served to delegitimize support for victims. Thus, even in death, rather than stand as grievable lives, these victims were reframed as responsible for their own fate, and indeed for creating the conditions which led to their deaths (Tekin & Drury, 2022).

These examples are offered as a means of relating Butler's concept of grievability to how lives are lived and how they are lost. Just as the recent BLM protests in the UK draw attention to high levels of precarity that Black lives face in relation to injustice meted out by the police and criminal justice system, the examples of Covid 19 and the Grenfell tragedy further highlight that, in other areas of basic human rights, where equality should prevail, Black lives, along with other racialised lives, are not adequately and not equitably safeguarded in the UK.

Black lives of course, are not a monolith. There are many heterogeneous groups and communities and many other intersecting aspects of identity and individual personhood that suffuse each life. Whilst the focus of this paper is most directly on race, intersections of identity can further differentiate and relegate lives (Butler, 2020). In the introductory section of this article, I explored the case of Sarah Everard and highlighted how, even in death, the lives of White women and Black women in the UK are seemingly afforded differing degrees of grievability. I now return to consider the intersections of race and gender a little further to demonstrate how grievability might further vary amongst minoritised or oppressed communities.

In the United States context, the '#sayhername' movement confronts the intersectional inequalities (Crenshaw, 1989, 1991) experienced by African American women, highlighting significant *gender disparity*, and challenging the even greater invisibility of police violence against Black women as compared to Black men (AAPF, n.d.). At the time of writing, the African American Policy forum website makes visible the lives and deaths of nearly two hundred women killed by the police between 1975 and 2021. The oldest memorial marks the life and death of Denise Hawkins who died aged 18 in 1975, and the most recent memorial marks the life and death of Ma'Khia Bryant who died, aged 16 in 2021 (AAPF, n.d.).

Recent high-profile cases of femicide in the UK context, reflect the same issue from the opposite direction, highlighting significant *racial disparity* and a greater invisibility of violence against Black women compared to White women. An example in point relates to the case of Bibaa Henry and Nicole Smallman who were murdered in London in June 2020. The sisters were reported missing to Metropolitan police by their family after they failed to return home following birthday celebrations. Met with an initial lack of police interest, their family and friends commenced a search, and the partner of Nicole Smallman discovered the bodies of both women in a local park (BBC, 2021a). In a further painful twist, it was later discovered that two police officers attending the crime scene had taken and shared photographs of the women's bodies (Dodd, 2022). The case initially received very limited media interest, however following determined efforts of their family to demand attention to the case, in the year after their deaths and shortly after the vigils for Sarah Everard, public vigils were organised in their memory. An independent police inquiry revealed numerous shortcomings in police management of the case and the police were advised to issue an apology to the family (IOPC, 2021).

Following their experience, Mina Smallman (mother of Nicole and Bibaa) repeatedly argued that racism, as well as misogyny and classism, were entrenched in the Metropolitan police handling of the case (Dodd, 2022). She has further pointed to racism as a primary factor in the general lack of UK media coverage of Black women's deaths (Kingsley, 2021). Whilst the scope of this article only permits discussion of this isolated example, the case of Bibaa Henry and Nicole Smallman helps to further elaborate Butler's (2020) arguments about the "radically uneven distribution of grievability" (p. 75). Moreover, the police handling of this case and the lack of care or compassion shown toward the bodies of Bibaa Henry and Nicole Smallman at the crime scene highlights just what it means when lives are not rendered grievable in life *or* in death. The treatment of these women by those who had a professional, as well as moral and ethical duty to care for them offers a poignant demonstration of Butler's (2020; p. 75) claim that "some do not rise to the level of the grievable, cannot be grasped as lives worth mourning".

2.4 | Social protest in the pursuit of lives that matters

In keeping with the arguments of Butler (2020), throughout this essay I have sought to emphasise the significant role that social protest plays in response to social inequality and injustice, and in the pursuit of acknowledging lives as grievable lives. Butler (2020) argues that when protests which do not seek out physical violence are framed by the state as 'violent', "this can only be because the power that misuses language that way seeks to secure its own monopoly on violence through maligning the opposition" (p. 3). Recent changes in UK law as witnessed in the new Police, Crime and Sentencing Act 2022 (UK Government, 2021a, 2021b) enshrine new limitations on legitimate public rights to social protest. Moreover, they frame public protest as illegitimate and construct protestors as a threat to the state and to the safety of the public.

I argue that the UK state should therefore by recognised as working *against* the pursuit of equality, social justice, and human mattering. Relatedly, these changes in UK law must be interpreted as structural violence enacted by the UK state on its own citizens, serving to maintain racial inequalities, and rendering those whose lives are vulnerable to far greater precarity. Framing them as lives that, at best, matter less than others, and at worst do not register as grievable lives at all.

3 | CONCLUSION

In this paper I have applied Judith Butler's political philosophy and their concept of grievability to contemporary arguments about lives that matter. The contribution of this paper is three-fold.

Firstly, by developing an accessible, yet nuanced engagement with the complexities of Butler's contemporary theoretical and philosophical work, it offers an intellectual contribution of relevance for scholars across diverse psychological, sociological and political disciplines studying race and/or social protest, as well as those studying broader issues of identity politics and social justice.

Secondly, using the theoretical lens of grievability, the paper delivers a novel exploration of what it means for lives to matter by exploring how racialised lives are valued (or not). Looking across three differing contexts and examples from the U.K context: police violence and/or lack of protection; the Covid 19 pandemic; the Grenfell fire, I triangulate my work and argue that, in the most basic areas of human need—protection from violent harm, rights to basic health care, and access to safe shelter, Black lives, along with other marginalised or racially minoritised groups, are subject to radically unequal levels of precarity.

Lastly, the paper contributes to contemporary legislative and policy debates in the UK about the erosion of legal democratic rights to engage in social protest. I demonstrate how social protest, and participation in acts of aggressive non-violence are a key mechanism for the pursuit of social justice. Aligned with Butler, I contend that the act of protest seeks to bear witness to lives as grievable lives, deserving recognition as 'lives that matter'. Thus, I propose that social protest is most accurately framed as an intensely human, ethical and valuable endeavour, and thus, rights to protest must be protected if we are to challenge inequalities, pursue social justice and build societies where *all* lives really *do* matter.

ACKNOWLEDGEMENTS

For the purpose of open access, the author has applied a Creative Commons Attribution (CC BY) licence to any Author Accepted Manuscript version arising from this submission.

CONFLICT OF INTEREST STATEMENT

The author has reviewed the journal editorial policies and confirms there is no Conflict of Interest.

DATA AVAILABILITY STATEMENT

Data sharing not applicable to this article as no datasets were generated or analysed during the current study.

ETHICS STATEMENT

This is solely a theoretical article. It does not draw upon any primary research conducted by the author or refer to any data (primary or secondary).

ORCID

Laura Kilby https://orcid.org/0000-0002-9766-1985

ENDNOTES

[1] The racialised identity of George Zimmerman remains a contested issue. See Gamboa (2012).

[2] The Femicide Census | Karen Ingala Smith.

REFERENCES

African American Policy Forum. (n.d.). #Sayhername: Black women are killed by police too. *African American Policy Forum*. https://www.aapf.org/sayhername

Afzal (2020). *Black people dying in police custody should surprise no one*. The Guardian. Retrieved from https://www.theguardian.com/uk-news/2020/jun/11/black-deaths-in-police-custody-the-tip-of-an-iceberg-of-racist-treatment

Atkins, A. (2019). Black lives matter or all lives matter? Color-Blindness and epistemic injustice*. *Social Epistemology*, *33*(1), 1–22. https://doi.org/10.1080/02691728.2018.1483879

BBC. (2020a). *Grenfell Tower inquiry: Fire 'inextricably linked with race*. BBC. Retrieved from https://www.bbc.com/news/uk-53320082

BBC. (2020b). *Why are more people from BAME backgrounds dying from coronavirus?* BBC. Retrieved from https://www.bbc.com/news/uk-52219070

BBC. (2021a, July 6). *Bibaa and Nicole: The life after death of two sisters*. BBC. Retrieved from https://www.bbc.com/news/uk-england-london-57679755

BBC. (2021b, September 30). *Sarah Everard murder: Wayne Couzens given whole-life sentence*. BBC. Retrieved from https://www.bbc.com/news/uk-england-london-58747614

BBC. (2021c, March 15). *Sarah everard vigil: 'All I wanted was to stand with other women'*. BBC. Retrieved from https://www.bbc.com/news/uk-56402418

Berents, H. (2019). Apprehending the "telegenic dead": Considering images of dead children in global politics. *International Political Sociology*, *13*(2), 145–160. https://doi.org/10.1093/ips/oly036

Booth, R., & Barr, C. (2020, May 20). *Black people four times more likely to die from Covid-19, ONS finds*. The Guardian. Retrieved from https://www.theguardian.com/world/2020/may/07/black-people-four-times-more-likely-to-die-from-covid-19-ons-finds

Boudreaux, C. (2016). Public memorialization and the grievability of victims in ciudad juárez. *Social Research*, *83*(2), 391–417. https://doi.org/10.1353/sor.2016.0035

Brown, H. (2016). Judith Butler in Belgium: Reflections on public grief and precarity in the wake of the Paris attacks. DiGeSt. *Journal of Diversity and Gender Studies*, *3*(1), 7–16. https://doi.org/10.11116/jdivegendstud.3.1.0007

Bry, D. (2015, Nov 23). *'All lives matter' is and always was racist – and this weekend's Trump rally proved it*. The Guardian. Retrieved from https://www.theguardian.com/commentisfree/2015/nov/23/all-lives-matter-racist-trump-weekend-campaign-rally-proved-it

Buchanan, L.; Bui, Q.; Patel, J. K. (July 3, 2020). Black lives matter may Be the largest movement in U.S. History. *The New York Times*. ISSN 0362-4331.

Butler, J. (2006). *Precarious Life: The powers of mourning and violence*. Verso.

Butler, J. (2016). Frames of War: When is life grievable? *Verso*.

Butler, J. (2020). *The force of nonviolence: An ethico-political bind*. Verso.

Crenshaw, K. (1989). *Demarginalizing the intersection of race and sex: A Black feminist critique of antidiscrimination doctrine, feminist theory and antiracist politics* (Vol. 8, pp. 139–167). University of Chicago Legal Forum.

Crenshaw, K. (1991). Mapping the margins: Intersectionality, identity politics, and violence against women of color. *Stanford Law Review*, *43*(6), 1241–1299. https://doi.org/10.2307/1229039

Dearden, L. (2020, June 15). Black lives matter: 210,000 people have joined UK protests and counter-demonstrations since George floyd's death. *The Independent*. https://www.independent.co.uk/news/uk/home-news/black-lives-matter-protests-uk-george-floyd-police-statue-arrests-a9567496.html

Dodd, V. (2022). Three Met PCs who received pictures of murdered sisters can keep jobs. *The Guardian*. https://www.theguardian.com/uk-news/2022/jun/23/three-met-pcs-received-pictures-murdered-sisters-keep-jobs-nicole-smallman-bibaa-henry.

End Violence Against Women and Girls, Latin American Women's Rights Service; Rights of Women; Southall Black Sisters. (2021). Joint written evidence submitted by End violence against women and girls, Latin American women's rights Service, rights of women, *and Southall Black sisters* (PCSCB07). Retrieved from https://bills.parliament.uk/publications/41570/documents/296

Gamboa, M. (2012, March 29). *Florida shooter's race a complicated matter*. Associated Press. Retrieved from https://web.archive.org/web/20120406122016/http://hosted.ap.org/dynamic/stories/.U/US_NEIGHBORHOOD_WATCH_WHITE_OR_HISPANIC?SITE=AP&SECTION=HOME&TEMPLATE=DEFAULT

Grieg, F. (2020, June 5). How many black people have died in police custody in the UK? Sheku Bayoh, sean Rigg, mark duggan and other cases explained. *The Scotsman*. https://www.scotsman.com/news/crime/how-many-black-people-have-died-police-custody-uk-sheku-bayoh-sean-rigg-mark-duggan-and-other-cases-explained-2876226

Grierson, J. (2022). *Met police breached rights of organisers of Sarah Everard vigil, court rules*. The Guardian. Retrieved from https://www.theguardian.com/uk-news/2022/mar/11/met-police-breached-rights-of-organisers-of-sarah-everard-vigil-court-rules

Horsti, K., & Neumann, K. (2019). Memorializing mass deaths at the border: Two cases from Canberra (Australia) and Lampedusa (Italy). *Ethnic and Racial Studies*, *42*(2), 141–158. https://doi.org/10.1080/01419870.2017.1394477

Independent Office for Police Conduct. (2021, Oct 25). Failings identified in how the MPS handled missing persons reports for murdered sisters. *Independent Office for Police Conduct*. Retrieved from https://www.policeconduct.gov.uk/news/failings-identified-how-mps-handled-missing-persons-reports-murdered-sisters

Ingala Smith, K. (2021, October 2). *The 81 women killed in 28 weeks*. The Guardian. Retrieved from https://www.theguardian.com/society/2021/oct/02/the-81-women-killed-in-28-weeks

Kakoty, R. (2019). Bodies at protest and power of the image: Irom Sharmila as an icon. *South Asian Popular Culture*, *17*(3), 213–225. https://doi.org/10.1080/14746689.2019.1665871

Keiser, J. (2021). The "all lives matter response": QUD-shifting as epistemic injustice. *Synthese: An International Journal for Epistemology, Methodology and Philosophy of Science*, *199*(10), 8465–8483. https://doi.org/10.1007/s11229-021-03171-y

Kil, S. H. (2020). Reporting from the whites of their eyes: How whiteness as neoliberalism promotes racism in the news coverage of "all lives matter". *Communication Theory*, *30*(1), 21–40. https://doi.org/10.1093/ct/qtz019

Kingsley, T. (2021, August 4). *Murdered sisters' mum slams 'media bias reporting on two dead Black girls*. My London News. Retrieved from https://www.mylondon.news/news/north-london-news/i-spent-40-minutes-zoom-21221279

Liberty. (2021). Liberty's briefing on the police, crime, sentencing and courts bill for committee stage in the House of Lords. Retrieved from https://www.libertyhumanrights.org.uk/wp-content/uploads/2021/10/Libertys-full-briefing-on-the-PCSC-Bill-for-Committee-Stage-in-the-House-of-Lords-October-2021-1.pdf

Lloyd, M. (2017). Naming the dead and the politics of the 'human. *Review of International Studies*, *43*(2), 260–279. https://doi.org/10.1017/S0260210516000358

Maďarová, Z., Hardoš, P., & Ostertágová, A. (2020). What makes life grievable? Discursive distribution of vulnerability in the pandemic. *Mezinárodní Vztahy. Czech Journal of international Relations*, *55*(4), 11–30. https://doi.org/10.32422/mv-cjir.1737

Mercieca, D. P., & Mercieca, D. (2022). Thinking through the death of migrants crossing the mediterranean sea: Mourning and grief as relational and as sites for resistance. *Journal of Global Ethics*, *18*(1), 48–63. https://doi.org/10.1080/17449626.2022.2053187

Millar, K. (2015). Death does not become her: An examination of the public construction of female American soldiers as liminal figures. *Review of International Studies*, *41*(4), 757–779. https://doi.org/10.1017/S0260210514000424

Modhin, A. (2021, 17th Feb). *BLM UK to fund 'people's tribunal' for deaths in custody*. The Guardian, Retrieved from https://www.theguardian.com/world/2021/feb/17/blm-uk-to-fund-peoples-tribunal-for-deaths-in-custody

Morris, A. (2021, 3rd Feb). *From civil rights to Black lives matter*. Scientific American. Retrieved from https://www.scientificamerican.com/article/from-civil-rights-to-black-lives-matter1/

Morse, T. (2018). The construction of grievable death: Toward an analytical framework for the study of mediatized death. *European Journal of Cultural Studies*, *21*(2), 242–258. https://doi.org/10.1177/1367549416656858

Mortimer, J. (2018, June 14). *Grenfell Tower Inquiry: The 6 key findings for anyone who hasn't followed the investigation*. My London News. Retrieved from https://www.mylondon.news/news/west-london-news/grenfell-tower-inquiry-key-findings-24211134

O'Malley, K. (2020, June 10). History of slavery professor explains the mistake in saying 'all lives matter. *Elle*. https://www.elle.com/uk/life-and-culture/culture/a32800835/all-lives-matter-fake-equality/

Platt, L., & Warwock, R. (2020, May). Are some ethnic groups more vulnerable to COVID-19 than others? The Institute for fiscal *studies*. Retrieved from https://ifs.org.uk/inequality/wp-content/uploads/2020/04/Are-some-ethnic-groups-more-vulnerable-to-COVID-19-than-others-V2-IFS-Briefing-Note.pdf

Rice-Oxley, M. (2018, May 14). *Grenfell: The 72 victims, their lives, loves and losses*. The Guardian. Retrieved from https://www.theguardian.com/uk-news/2018/may/14/grenfell-the-71-victims-their-lives-loves-and-losses

Schippers, B. (2014). *The political philosophy of Judith Butler*. Routledge.

Spratt, T. J. R. (2022). Reconceptualising Judith Butler's theory of 'grievability' in relation to the UK's 'war on obesity': Personal responsibility, biopolitics and disposability. *The Sociological Review*, *70*(3), 474–488. https://doi.org/10.1177/00380261221078063

Stierl, M. (2016). Contestations in death – The role of grief in migration struggles. *Citizenship Studies*, *20*(2), 173–191. https://doi.org/10.1080/13621025.2015.1132571

Tekin, S., & Drury, J. (2022). A critical discursive psychology approach to understanding how disaster victims are delegitimized by hostile Twitter posts: Racism, victim-blaming, and forms of attack following the Grenfell Tower fire. *Journal of Community and Applied Social Psychology*, *32*(5), 908–922. https://doi.org/10.1002/casp.2596

Thomsen, I. (2020, 4th June). How do today's Black lives matter protests compare to the civil rights movement of the 1960s? *News @ northeastern*. Retrieved from https://news.northeastern.edu/2020/06/04/how-do-todays-black-lives-matter-protests-compare-to-the-civil-rights-movement-of-the-1960s/

UK Government. (2021a). Police, crime, sentencing and courts bill 2021. Overarching factsheet [Policy paper]. Retrieved from https://www.gov.uk/government/publications/police-crime-sentencing-and-courts-bill-2021-factsheets/police-crime-sentencing-and-courts-bill-2021-overarching-factsheet

UK Government. (2021b). Police, crime, sentencing and courts bill 2021. Protest power factsheet [Policy paper]. Retrieved from https://www.gov.uk/government/publications/police-crime-sentencing-and-courts-bill-2021-factsheets/police-crime-sentencing-and-courts-bill-2021-protest-powers-factsheet

Varman, R., Skålén, P., Belk, R. W., & Chauduri, H. R. (2020). Normative violence in domestic service: A study of exploitation, status, and grievability. *Journal of Business Ethics*, *171*(4), 645–665. https://doi.org/10.1007/s10551-020-04444-1

AUTHOR BIOGRAPHY

Laura Kilby is Associate Professor of Social Psychology at Sheffield Hallam University. She is based in the department of Law and Criminology and affiliated with the Helena Kennedy Centre of International Justice. Her main research interests centre upon examining relationships between power, discourse and the oppression of marginalised identities and marginalised groups. Much of her research variously concerns the study of racialised, classed, and gendered identities. She also researches other aspects of identity as it relates to minority or oppressed communities including discourses of Citizenship and Immigration; Gender and Homelessness; Social deprivation and Health.

How to cite this article: Kilby, L. (2023). Protest, race and grievability: What does it mean for lives to matter? *Social and Personality Psychology Compass*, e12805. https://doi.org/10.1111/spc3.12805